



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ME
10

In re application of YOUTI KUO

Application No.: 09/853,803

: Art Unit: 3736

Filed : 05/14/2001

: Examiner: David J. McCrosky

For : Handheld Diagnostic Device : Date: March 13, 2004
With Renewable Biosensor

Honorable Commissioner of Patent and Trademark
Box DAC
Washington DC 20231

RECEIVED

MAR 19 2004

Sir:

TECHNOLOGY CENTER R3700

Request To Withdraw The Holding Of Abandonment

In the Office Action (03/08/2004), copy attached as Exhibit A, the application was abandoned in view of Applicant's failure to timely file a proper reply to the Office Action letter mailed on July 17, 2003.

Applicant herewith inform the Examiner that a reply, copy attached as Exhibit B including a copy of the check of \$650 for Issue Fee, was sent on July 21, 2003 to the Assistant Commissioner for Patents, Washington DC 20231. The said check of \$650 dated 7/21/03 had been cashed by the Patent and Trademark Office on 8/4/03 through the Xerox Federal Credit Union, copy attached as Exhibit C. The cashing of the check was also indicated in the Applicant's bank statement, copy attached as Exhibit D. Both Exhibit C and Exhibit D provide proof of receiving of the Applicant's timely reply to the Office Action by the Patent and Trademark Office.

With the proof of Applicant's timely filing a proper reply to the Office Action mailed on 7/17/2003, the stated reason for abandonment of the application is removed. Thus, favorable reconsideration for withdrawing the holding of abandonment and allowance on all claims for Application No. 09/853,803 are respectively requested.

Application further request that the amount of \$650 sent as an Issue Fee as a mistake be refunded or credited for Applicant's future fee payment. Your favorable consideration is appreciated.

Respectively submitted,

Youti Kuo

Youti Kuo, Applicant
88 Foxbourne Road
Penfield, NY 14526
Tel: 585-231-5064

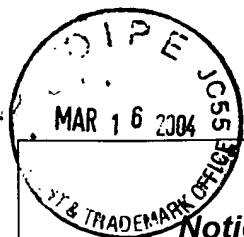


EXHIBIT A

Notice of Abandonment

Application No.

09/853,803

Examiner

David J. McCrosky

Applicant(s)

KUO, YOUTI

Art Unit


3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 17 July 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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ERIC F. WINAKUR
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

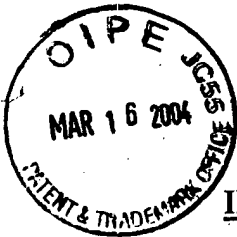


EXHIBIT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of YOUTI KUO

Application No.: 09/853,803

: Art Unit 3736

Filed : 05/14/2001

: Examiner: David J. McCrosky

For : Handheld Diagnostic Device
With Renewable Biosensor

: Date: July 21, 2003

Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

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TECHNOLOGY CENTER R3700

Sir:


Comments On Statement Of Reasons For Allowance

In the Office Action (07/16/03), Claims 1-4, 6, 9-16 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-3, 5-8, 11-14, 16 and 17 of copending Application No. 09/802,988 by Kuo. Claims 22 and 23 are allowed. Claims 5, 7, 8, 17 and 19-21 are objected to as being dependent upon a rejected base claim.

Applicant herewith inform the Examiner that Claims 1-23 in Application No. 09/802,988 had been canceled as stated in the Amendment by Examiner Samuel P. Siefke in response to the Authorization (04/21/03) on the telephone interview with Fred Denson who represented the Applicant. Due to the cancellation, the patent of Application No. 09/802,988 which is to be issued will not include Claims 1-23. A copy of Notice of Allowability by Samuel P. Siefke on Application No. 09/802,988 is attached for reference.

With the cancellation of Claims 1-23 of Application No. 09/802,988, the obviousness-type double patenting will not be applicable to Claims 1-21 in Application No. 09/853,803. Therefore, the stated reason for the provisional rejection of Claims 1-4, 6, 9-16 and 18, as well as objection of Claims 5, 7, 8, 17 and 19-21 is removed. Thus, favorable reconsideration and allowance on all claims for Application No. 09/853,803 are respectfully requested.

Respectfully submitted,


Youti Kuo, Applicant

88 Foxbourne Road
Penfield, NY 14526
Tel: 585-231-5064

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)650**Complete if Known**

Application Number

09/853,803

Filing Date

5/14/2001

First Named Inventor

YOUTI KUO

Examiner Name

DAVID J. McCrosky

Art Unit

3736

Attorney Docket No.

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or-reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)650

SUBMITTED BY

YOUTI KUO

(Complete if applicable)

Name (Print/Type)

YOUTI KUORegistration No.
(Attorney/Agent)

Telephone

585-231-5064

Signature

[Signature]

Date

7/21/03**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

YOUTI KUO
EILEEN A.L. KUO
716-377-0063
88 FOXBOURNE RD.
PENFIELD, NY 14526

90-7549/3222

10995

DATE 7/21/03

PAY TO THE ORDER OF US Patent & Trademark Office \$ 650-

Six Hundred Fifty Dollars DOLLARS

 Security features are included. Details on back.

XEROX FEDERAL CREDIT UNION 52
800 PHILLIPS RD. 0304-12C
WEBSTER, NY 14580
1-800-XFCU-222

FOR Issue Fee 59,853,803 Youti Kuo 

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Mar 12 2004 10:23am From-XFCU
OIP JC'S
MAR 16 2004
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EXHIBIT C

+3103228861 T-019 P.002/002 F-008

YOUTI KUO
EILEEN A.L. KUO
716-377-0083
88 FOXBOURNE RD.
PENFIELD, NY 14526

90-75493222 10995

DATE 7/21/03

PAID TO THE ORDER OF US Patent & Trademark Office \$ 650 -
Six Hundred Fifty dollars - DOLLARS

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FOR Issue Fee 09/853,803
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ENT-3994 TRD-3925 PK-10

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WorkType:MSDS Branch:0

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XEROX FEDERAL CREDIT UNION
Putting Members First

EXHIBIT D

ACCOUNT NUMBER 57197
STATEMENT PERIOD ENDING AUGUST 31, 2003
PAGE 1 of 3



YOUTI KUO
PO BOX 79
WEBSTER NY 14580

CP0000348-0001147

Plan on Leasing Your Next Car?

Our Looks Like a Lease Loan gives you the benefits of both a car purchase and a lease: low payments and flexible end-of-loan options.

The enclosed brochure provides more details.

SUMMARY OF DEPOSIT ACCOUNTS

MEMBERSHIP SAVINGS 1	\$2,761.76
REGULAR CHECKING 10	\$5,206.91
TOTAL DEPOSIT BALANCE	\$7,968.67

SUMMARY OF LOAN ACCOUNTS

MEMBERFIRST LOAN 3	\$17,436.49
POWERLINE OF CREDIT 10	\$6,670.61
TOTAL LOAN BALANCE	\$24,107.10

MEMBERSHIP SAVINGS 1

Date	Transaction Description	Deposit	Withdrawal	Balance
07-31-03	Previous Balance			\$2,272.70
08-27-03	Payroll Deposit Xerox S06 Payroll Deductions - Effective 08/29/03	\$489.00		\$2,761.70
08-31-03	New Balance			\$2,761.70

Year-to-date dividends received in 2003: \$10.84

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MAR 19 2004

TECHNOLOGY CENTER R3700

REGULAR CHECKING 10

Date	Transaction Description	Deposit	Withdrawal	Balance
07-31-03	Previous Balance			\$7,324.90
08-01-03	ACH Deposit CHASE/JPMORGAN(8072002516)-BAL XFER	\$3,000.00		\$10,324.90
08-01-03	Checking Withdrawal # 967		\$52.39	\$10,272.51
08-01-03	Checking Withdrawal # 968		\$203.32	\$10,069.19
08-04-03	Checking Withdrawal # 994		\$90.00	\$9,979.19
→ 08-04-03	Checking Withdrawal # 995 #10995		\$650.00	\$9,329.19
08-05-03	Checking Withdrawal # 970		\$15.62	\$9,313.57
08-06-03	Withdrawal		\$100.00	\$9,213.57
08-06-03	Checking Withdrawal # 969		\$26.98	\$9,186.59
08-06-03	Checking Withdrawal # 971		\$18.47	\$9,168.12
08-06-03	Checking Withdrawal # 1000		\$3,000.00	\$6,168.12
08-07-03	Checking Withdrawal # 999		\$80.00	\$6,088.12
08-08-03	ACH Pre-Authorized W/D PAYMAP, INC.(94317998BB)-MTG PAYMNT		\$509.49	\$5,578.63
08-08-03	Checking Withdrawal # 962		\$53.44	\$5,525.19
08-08-03	Checking Withdrawal # 972		\$100.00	\$5,425.19
08-11-03	Deposit	\$4,800.00		\$10,225.19
08-11-03	Checking Withdrawal # 973		\$31.73	\$10,193.46
08-13-03	Checking Withdrawal # 653		\$300.00	\$9,893.46
08-13-03	Checking Withdrawal # 1002		\$50.00	\$9,843.46
08-13-03	Checking Withdrawal # 1003		\$200.00	\$9,643.46
08-14-03	Checking Withdrawal # 655		\$100.00	\$9,543.46
08-14-03	Checking Withdrawal # 1001		\$120.00	\$9,423.46
08-15-03	Checking Withdrawal # 11005		\$142.49	\$9,280.97
08-15-03	Checking Withdrawal # 974		\$490.82	\$8,790.15
08-19-03	Checking Withdrawal # 975		\$523.01	\$8,267.14
08-20-03	Checking Withdrawal # 659		\$20.00	\$8,247.14
08-20-03	Checking Withdrawal # 1004		\$53.11	\$8,194.03
08-21-03	Deposit Correctn Return deposit item drawn on Chase Manhattan Bank written by Youti Kuo check#8531 returned	\$4,800.00		\$3,394.03



XEROX FEDERAL CREDIT UNION
Putting Members First

ACCOUNT NUMBER 57197
STATEMENT PERIOD ENDING AUGUST 31, 2003
PAGE 2 of 3

REGULAR CHECKING 10 (continued)

Date	Transaction Description	Deposit	Withdrawal	Balance
	for Insufficient Funds			
08-21-03	NSF Charge RETURNED CHECK FEE		\$20.00	\$3,374.05
08-21-03	Checking Withdrawal # 977		\$27.20	\$3,346.85
08-21-03	Checking Withdrawal # 1006		\$3.56	\$3,343.29
08-22-03	ACH Pre-Authorized W/D PAYMAP, INC.(94317998BB)-MTG PAYMNT		\$509.49	\$2,833.80
08-22-03	Checking Withdrawal # 976		\$1,376.85	\$1,456.95
08-22-03	Checking Withdrawal # 978		\$193.52	\$1,263.43
08-27-03	ACH Deposit XEROX CORPORATN - Effective 08/29/03	\$4,860.53		\$6,123.96
08-27-03	ACH Deposit XEROX CORPORATN - Effective 08/29/03	\$174.90		\$6,298.86
08-28-03	Deposit	\$60.00		\$6,358.86
08-28-03	Checking Withdrawal # 1013		\$130.00	\$6,228.86
08-29-03	Checking Withdrawal # 1007		\$600.00	\$5,628.86
08-29-03	Checking Withdrawal # 1008		\$100.00	\$5,528.86
08-29-03	Checking Withdrawal # 1010		\$300.00	\$5,228.86
08-29-03	Checking Withdrawal # 1011		\$21.95	\$5,206.91
08-31-03	New Balance			\$5,206.91

REGULAR CHECKING 10 SUMMARY

Balance as of last Statement	\$7,324.92	0	Returned Items Credited	\$0.00
5 Deposits and Other Credits	\$12,895.43	5	Other Withdrawals	\$5,938.98
31 Checks Posted	\$9,074.46		Balance as of this Statement	\$5,206.91

CHECKS CLEARED

Number	Amount	Number	Amount	Number	Amount	Number	Amount
# 653	\$300.00	# 971	\$18.47	# 994*	\$90.00	# 1006*	\$3.56
# 655*	\$100.00	# 972	\$100.00	# 995	\$650.00	# 1007	\$600.00
# 659*	\$20.00	# 973	\$31.73	# 999*	\$80.00	# 1008	\$100.00
# 962*	\$53.44	# 974	\$490.82	# 1000	\$3,000.00	# 1010*	\$300.00
# 967*	\$52.39	# 975	\$523.01	# 1001	\$120.00	# 1011	\$21.95
# 968	\$203.32	# 976	\$1,376.85	# 1002	\$50.00	# 1013*	\$130.00
# 969	\$26.98	# 977	\$27.20	# 1003	\$200.00	# 11005*	\$142.49
# 970	\$15.62	# 978	\$193.52	# 1004	\$53.11		

* Checks cleared out of sequence.

OTHER WITHDRAWALS

Effective	Amount	Effective	Amount	Effective	Amount	Effective	Amount
08-06-03	\$100.00	08-21-03	\$4,800.00	08-22-03	\$509.49		
08-08-03	\$509.49	08-21-03	\$20.00				

DEPOSITS AND OTHER CREDITS

Effective	Amount	Effective	Amount	Effective	Amount	Effective	Amount
08-01-03	\$3,000.00	08-28-03	\$60.00	08-29-03	\$174.90		
08-11-03	\$4,800.00	08-29-03	\$4,860.53				

MEMBERFIRST LOAN 3

Date	Transaction Description	AMOUNT	Principal	Finance Charge	Principal Balance
07-31-03	Previous Balance				\$17,436.49
08-01-03	Variable Rate Information Interest rate remains the same at 7.99%	\$0.00	\$0.00	\$0.00	\$17,436.49
08-31-03	New Balance				\$17,436.49

Year-to-date finance charges paid in 2003: \$882.14

Current Amount Due:	\$410.00	on 09-30-03	Annual Percentage Rate:	7.990000%
Amount Past Due:	\$410.00		Daily Periodic Rate:	0.021890%
Total Amount Due:	\$820.00			